



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT WEDNESDAY, JUNE 30, 2021

Board members present: Richard Conescu, Patrick Dwyer, Ben Niles, Rod Buckley and Alternate Drew Duffy

Board members absent: Lynn Christensen

Staff present: Robert Price, Planning & Zoning Administrator

1. Call to Order

Richard Conescu called the meeting to order at 7:00 p.m.

2. Roll Call

Richard Conescu led the pledge of allegiance and swore in members of the public who would be testifying. Patrick Dwyer read the preamble.

Richard Conescu designated Drew Duffy to sit for Lynn Christensen.

- 3. Saint-Gobain Performance Plastics Corporation (petitioner/owner)** – Appeal of an Administrative Decision (under RSA 674:34) that attached additional requirements to the issuance of a building permit. The parcel is located at 701 Daniel Webster Highway in the I-1 (Industrial), Aquifer Conservation Districts, and Wellhead Protection Area. Tax Map 6E, Lot 003-02. Case # ZBA 2021-08. **This item is continued from the May 20, 2021 meeting.**

Withdrawn by petitioner.

- 4. Bilden Properties, LLC (petitioner/owner)** – Appeal of Administrative Decision determining that the current use of the property is a “junk yard” per the Town Zoning Ordinance and NH RSA 236:112. The parcel is located at 719 Daniel Webster Highway in the C-2 (General Commercial), R-4 (Residential) and Planned Residential Districts. Tax Map 7E Lot 052. Case # ZBA 2021-07.

Due to an abutter notice defect, this item was not heard by the Board.

- 5. Nickolay & Tanya Gaponov (petitioner/owner)** – Appeal of Administrative Decision determining that the current use of the property is a “contractor yard” per the Town Zoning Ordinance. The parcel is located at 109 Bedford Road in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 6C, Lot 194. Case # ZBA 2021-17.

Petitioner was represented by: Tanya & Nikolay Gaponov, petitioners/owners.

Public Comment was received from: Kathleen Versprille, 111 Bedford Road; and Michelle Craig, 107 Bedford Road.

The Board voted 3-2-0 to deny the Appeal of Administrative Decision (and uphold the Community Development Staff's determination) on a motion made by Rod Buckley and seconded by Drew Duffy. Patrick Dwyer and Rich Conescu voted in opposition.

- 6. Erick's Custom Exhaust (petitioner) and D-Kern II, LLC (owner)** – Special Exception under Section 2.02.3(C) (1) of the Zoning Ordinance to permit an automobile service and repair station in the C-2 (General Commercial) District. The parcel is located at 386 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, and Elderly Zoning Districts. Tax Map 4D-3, Lot 028. Case # ZBA 2021-18.

Petitioner was represented by: David Kuerner, property owner & Erick Ortiz, business owner.

Public Comment was received via email from: Gakis Vasilios, 388 Daniel Webster Highway; Andrew Davenport, 390 Daniel Webster Highway; & an anonymous resident.

The Board voted 5-0-0 to grant the special exception, with conditions, on a motion made by Patrick Dwyer and seconded by Rod Buckley.

- 7. Richard Morin (petitioner/owner)** – Variance under Section 3.05 of the Zoning Ordinance to permit the construction of a detached garage 15 feet from the front property line whereas 30 feet is required. The parcel is located at 125 Amherst Road in the R-1 (Residential, by map) and Aquifer Conservation Districts. Tax Map 4B, Lot 083. Case # ZBA 2021-19.

Petitioner was represented by: Chris Condon, 126 Amherst Road & Richard Morin, owner

There was no public comment.

The Board voted 5-0-0 to grant the variance on a motion made by Patrick Dwyer and seconded by Drew Duffy.

The Board took up items 8 and 9 together.

- 8. Robert Jones (petitioner/owner)** – Variance under Section 3.02 of the Zoning Ordinance to permit a lot (following a lot line adjustment) with 18,644 square feet of lot area whereas 40,000 square feet is required and 120 feet of frontage whereas 150 feet is required. The parcel is located at 47 Lamson Drive in the R-4 (Residential) District. Tax Map 2B, Lot 175. Case # ZBA 2021-20.

- 9. Robert Jones (petitioner) and Lloyd Maclean (owner)** – Variance under Section 3.02 of the Zoning Ordinance to permit a lot (following a lot line adjustment) with 27,628 square feet of lot area whereas 40,000 square feet is required. The parcel is located at 19 Winchester Drive in the R-4 (Residential) District. Tax Map 2B, Lot 176. Case # ZBA 2021-21.

Petitioner was represented by: Robert Jones, 47 Lamson Drive, petitioner

Public Comment was received from: Lloyd Maclean, 19 Winchester Drive

The Board voted 5-0-0 to grant the variances in Case #2021-20, with conditions, on a motion made by Patrick Dwyer and seconded by Rod Buckley.

The Board voted 5-0-0 to grant the variance in Case #2021-21, with conditions, on a motion made by Patrick Dwyer and seconded by Drew Duffy.

- 10. Michael Petrovick (petitioner) and James Turbyne (owner)** – Variance under Section 3.02.A of the Zoning Ordinance to permit a Two Family Residence in the R-1 (Residential) District whereas only Single Family Residences are permitted. The parcel is located at 35 Tinker Road in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 2C, Lot 014. Case # 2021-22.

Petitioner was represented by: Michael Petrovick, architect

There was no public comment.

The Board voted 5-0-0 to grant the variance on a motion made by Drew Duffy seconded by Rod Buckley.

- 11. Discussion/possible action regarding other items of concern**

Discussion only.

- 12. Approval of Minutes – May 26, 2021**

The minutes of May 26, 2021 were approved as submitted, by a vote of 4-0-1, on a motion made by Rod Buckley and seconded by Ben Niles. Drew Duffy abstained.

- 13. Adjourn**

The meeting was adjourned at 9:08 p.m. by a vote of 5-0-0, on a motion made by Drew Duffy and seconded by Rod Buckley.